THE HONOURABLE SRI JUSTICE P.S.NARAYANA

W.P.NO. 15536 OF 2006

Dated: 27-07-2006

Between:

Lotus Plaza Owners' Welfare Association,
Visakhapatnam.

Petitioner

And

The Visakhapatnam Municipal Corporation, rep,.by
Commissioner.

Respondent

THE HONOURABLE SRI JUSTICE P.S.NARAYANA

W.P.NO.15536 OF 2006

ORDER:

1. Heard the counsel on record.

2. The writ petition is filed for writ of Mandamus declaring the action of the respondent in seeking to occupy 151.08 square yards of land in Lotus Plaza Apartment, D.No.9-4-17, VIP Road, Visakhapatnam, for road widening purposes despite availability of vacant land opposite Lotus Plaza Apartments as illegal, arbitrary, contrary to the provisions of the Municipal Corporations Act and unconstitutional and

consequently direct the respondents to align the road so as not to effect Lotus Plaza Apartments, D.No. 9-4-17, VIP Road, Visakhapatnam and pass such other suitable orders.

2. The main grievance of the petitioner is that no proper opportunity had been given. It is needless to say that the petitioner is at liberty to raise all objections and the respondent to consider all the objections which are being raised in the affidavit filed in support of the writ petition and take decision in accordance with law.

3. Till the exercise is made and till the due process is followed, not to further proceed with any demolition activity. The writ petition is disposed of accordingly. No order as to costs. It is needless to say that the respondent is at liberty to initiate land acquisition proceedings in accordance with law.

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27-07-2006

Stp